

APPENDIX VI

Environmental Compliance

COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS.

1. National Environmental Policy Act of 1969, as amended. Environmental information on the project has been compiled in the draft Environmental Assessment. Comments about the proposed work were initially gathered as a result of a Scoping Letter dated 8 May 1998 sent to the public at large. The Draft EA will be coordinated with the public for 45 days. This public coordination and environmental impact assessment complies with the intent of NEPA. The process will fully comply with the Act once the Draft Findings of No Significant Impact has been signed by the District Commander.

2. Endangered Species Act of 1973, as amended. Consultation with the US Fish and Wildlife Service for using this hole was conducted in conjunction with the preparation of the Coordination Act Report and Biological Opinion for the construction of the Alafia River Navigation Channel and Turning Basin. The USFWS provided these documents by Final CAR dated December 14, 1998. The USFWS concluded that the work would not likely jeopardize the continued existence of the manatee, if the Standard manatee protection conditions are implemented. In addition, the USFWS requested the manatee brochure be provided to the crew as a part of the observer education. This project was fully coordinated under the Endangered Species Act; therefore, this project is in full compliance with the Act.

3. Fish and Wildlife Coordination Act of 1958, as amended. The Tampa Harbor – Ybor Channel and Port Sutton Navigation Channel project has been coordinated with the USFWS during the preparation of the Fish and Wildlife Coordination Act Report. The USFWS has prepared a Final CAR for the project and stated the work will not have significant long-term affects on fish and wildlife resources and therefore, does not object to this action. Therefore, the project is in compliance with the Act.

4. National Historic Preservation Act of 1966, as amended (PL 89-665). An archival and literature review, including review of the current National Register of Historic Places listing, and consultation with the Florida State Historic Preservation Officer (SHPO) has been conducted to determine if significant cultural resources are located within the area of impact for the proposed project. The District has determined that there will be no adverse impacts to any significant cultural resources in the Ybor or Garrison Channels. The District has also determined that placement of dredged material at CMDA-2D and Hookers Point will not have an adverse effect on significant cultural resources. Coordination through Section 106 of the NHPA complies with this Act and with the Archeological and Historic Preservation Act.

5. Clean Water Act of 1972, as amended.

5.1. Section 401. (Water Quality) A Florida Department of Environmental Protection (DEP) Water Quality Certificate (WQC) has been issued for the maintenance dredging of this area. A request has been forwarded to DEP to allow placement of material in the hole. State water quality standards will be adhered to during construction. The project will cause temporary

increases in turbidity where dredging is taking place and at the disposal site. The Florida water quality regulations require that water quality standards not be violated during dredging operations. The standards state that turbidity outside the designated mixing zone shall not exceed 29 NTU's above background. Various protective measures and monitoring programs will be conducted during construction to ensure compliance with State water quality standards.

Should monitoring determine that the State turbidity standards have been exceeded, the contractor will be required to cease operations until conditions return to normal.

5.2. Section 404 (b)(1). The purpose of Section 404(b)(1) of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States through the control of discharges of dredged or fill material. Controls are established through restrictions placed on the discharges in Guidelines published in 40 CFR 230. An evaluation of the dredged material was conducted (Appendix I). The impacts are addressed in the Environmental Assessment and are primarily related to a minor increases in turbidity levels adjacent to the placement area.

Based on the probable impacts addressed in the environmental assessment, the 404(b)(1) evaluation and Inland Testing Manual requirements concerning the dredged material to be used, the proposed work would comply with the Guidelines and the intent of Section 404(b)(1) of the Clean Water Act.

6. **Clean Air Act of 1972, as amended.** No air quality permits will be required for this project. Therefore, this Act would not be applicable.

7. **Coastal Zone Management Act of 1972, as amended.** The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act. It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Zone Management Plan (Appendix V). In accordance with the 1979 Memorandum of Understanding and the 1983 Addendum to the Memorandum concerning acquisition of water quality certifications and other State of Florida authorizations, the Draft Environmental Assessment, Coastal Zone Consistency Determination and Section 404(b)(1) Evaluation are being submitted to the State to show consistency with the Florida Coastal Zone Management Plan. Final state concurrence is issued concurrently with the issuance of the Water Quality Certification.

8. **Farmland Protection Policy Act of 1981.** No prime or unique farmland will be impacted by implementation of this project. This act is not applicable.

9. **Wild and Scenic River Act of 1968, as amended.** No designated Wild and Scenic river reaches will be affected by project related activities. This act is not applicable.

10. **Marine Mammal Protection Act of 1972, as amended.** Incorporation of the safe guards

used to protect manatees during dredging and disposal operations will be implemented during construction, therefore, this project is in compliance with the Act.

11. Estuary Protection Act of 1968. No designated estuary will be affected by project activities. This act is not applicable.

12. Federal Water Project Recreation Act, as amended. There is no recreational development proposed for maintenance dredging or disposal. Therefore, this Act does not apply.

13. Resource Conservation and Recovery Act of 1976, (PL 94-580; 7 U.S.C. 100, et seq.) This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.

14. Toxic Substances Control Act of 1976, (PL 94-469; U.S.C. 2601, et seq.) This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.

15. E.O. 11990, Protection of Wetlands. No wetlands will be affected by project activities. This project is in compliance with the goals of this Executive Order.

16. E.O. 11988, Floodplain Management. No activities associated with this project will take place within a floodplain, therefore this project is in compliance with the goals of this Executive Order.

17. E.O. 12898, Environmental Justice. This project has been evaluated in accordance with the subject E.O. The project would not result in adverse human health or environmental effects. There would be no impacts on subsistence consumption of fish or wildlife from this project. Therefore, the work would comply with this E.O.

18. . Essential Fish Habitat, Magnuson-Stevens Fishery Conservation and Management Act. The affects of the existing federal navigation project have been identified in the Environmental Assessment. The effects on EFH are being coordinated with the NMFS through the NEPA process.